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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/982,559	12/02/1997	JOHN CAHILL	NSP-CASE-5	9469

7590

06/06/2002

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EXAMINER

GUARRIELLO, JOHN J

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 06/06/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

081982559

Applicant(s)

Cahill

Examiner

John Guaricello

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 2/21/2002
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 2-26 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 2-26 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

15. The Examiner acknowledges paper # 21, the supplemental brief of 2/21/2002. With this action the Examiner withdraws the final rejection of paper # 17 of 8/19/2001, and continues prosecution.

16. In view of the supplemental appeal brief filed on 2/21/2002, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments,

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affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

17. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

18. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

19. Claims 23, 2-22, 24-26 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new matter is the phrase “at least 46 lbs/ square ft.” which was done in the amendment of 5/18/2001. There is no clear evidence that the instant specification supports the phrase “at least”

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when describing the mechanical strength as stated in claim 23 lines 9-10.

Applicant should specifically point out support for the amendment made to claim 23, since this is an amended claim not originally submitted, see *In re Wertheim*, 541 F.2d at 263, 191 USPQ at 97.

Claim Rejections - 35 USC § 102

20. Claims 2-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Minnick 5,098,778.

Rejection is maintained substantially as in paper # 15 of 2/14/2001, and in paper # 17 of 8/14/2001. Applicant's arguments in the brief regarding the wall structure have been considered but in a Jepson claim format this is admitted as well known. Furthermore, Minnick still describes light weight, high strength laminates with a low density, 0.7 lb./cu.ft. (Column 8, lines 62-63). Minnick describes the laminate has high strength of at least 9.9 Mpsi, flex strength, and specific strength values of 0.8(L) and 2.5(C) in (Table II, Example I), (column 9, lines 34-60). Since, Minnick teaches each of the

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chemical and structural elements claimed, then it must meet the claimed mechanical strength of at least 46 lbs./ square foot inherently. Regarding applicant's arguments that the cellulosic layer be laminated to the reinforcing layer, the Examiner disagrees that Minnick does not disclose any cellulosic layer, because Minnick describes "in another aspect of the invention" resin is impregnated into cotton linter paper, (column 7, lines 59-64), which cotton linter paper is inherently cellulose which meets the limitations of claims 2, 15-22, and 24. Minnick meets the essential limitations of the claimed invention. Claims lack novelty.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone number is 703-308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The

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fax phone number for the organization where this application or proceeding is assigned is 703-305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



John J. Guarriello:gj

Patent Examiner

May 12, 2002

May 24, 2002



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
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